

4.5 CULTURAL RESOURCES

The information contained in this section is based on the *SR-22/West Orange County Connection (SR-22/WOCC) Historic Property Survey Report (HPSR)* (December 2000) and the Supplemental Historic Architectural Survey Report (April 2002). A total of 305 properties were surveyed, and 31 buildings, building groups, and structures were determined to pre-date 1950. Only the Pacific Electric Railway Bridge was determined eligible for inclusion in the National Register of Historic Places (NRHP). A Historic Architectural Survey Report (HASR) and Negative Archaeological Survey Report (NASR) were prepared. This section includes discussions of impacts and mitigation measures related to cultural resources in the study area. This section will focus primarily on the identified Preferred Alternative (PA), (Enhanced) Reduced Build Alternative. For the purpose of including analysis of the other alternatives considered, a brief discussion will be presented below.

The discussions in this section were the result of refined engineering and/or additional planning efforts. The added limits to the (Enhanced) Reduced Build Alternative would not contribute to any new environmental impacts. Potential environmental impacts from this added portion have been previously analyzed as part of the Full Build Alternative (SR-22/SR-55 HOV connector) and determined not to be substantial to Cultural Resources. The comments and responses to comments are attached as Appendix A of this Final Environmental Impact Statement/ Report (FEIS/EIR) (Volumes II & III).

4.5.1 IMPACTS ON CULTURAL RESOURCES

A. PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE

During construction, there is a potential for unknown buried cultural materials to be unearthed.

During the development of the FEIS/EIR, 19 new residential properties were identified for partial acquisitions, and two properties were identified as displacements that were included in the August 2001 DEIR/EIS. The 19 acquisitions, not previously identified in the August 2001 DEIR/EIS, were due to refined engineering analysis. However, these 19 residential properties are within the limits of the original Area of Potential Effect (APE). This alternative would also require two residential displacements for a total of 21 properties.

All of the 21 residential identified for displacements have been included in either the HPSR/HASR or Supplemental HASR. The State Historic Preservation Officer (SHPO) has concurred that none of these properties are eligible for listing on the National Register of Historic Places (NRHP). Please refer to SHPO letters in Volume IV of the FEIS/EIR, Appendix B.

Of the 21 total residential properties identified for displacements and partial acquisitions, six had previously been identified (two full displacement and four partial residential acquisitions) in the HASR Memorandum of Understanding Short Form (Appendix D) for properties that are pre-1945, and determined not to be eligible for listing on the NRHP. A Supplemental HASR, which is part of the Historic Property Survey Report (HPSR), was prepared to determine if any of the 22 properties were of eligible for listing on the NRHP. At the time of the original HPSR, the pre-1945 properties required analysis for eligibility for listing on the National Register of Historic Places; the current criterion for potential eligibility for listing on the NRHP is pre-1952. However, the California Department of Transportation has adopted a policy of analyzing properties at least 45 years old (pre-1957), as properties may reach the criterion age of 50 years between approval of the environmental document and start of acquisition or demolition, and would otherwise not be included in the Survey. There were two properties identified as pre-1957: 1) 12371 Pearce Street; and 2) 8802 Trask Avenue (partial acquisition). In addition, two of the parcels identified as possible displacements for the replacement of the Pearce Street Pedestrian Overcrossing is 12346 Flagstone Place and 12342 Flagstone Place, which does not have any records of the year built. **Subsequent evaluation of design variations for the Pearce Street pedestrian overcrossing has resulted in the conclusion that no displacement is necessary at 12371 Pearce Street, 12346 Flagstone Place, or 12342 Flagstone Place.** The field visit indicated

there are two small structures on this parcel. According to the findings of the April 2002 Supplemental HASR, none of the pre-1957 structures that were not previously identified in the August 2001 DEIR/EIS were eligible for listing on the National Register of Historic Places. Refer to the Supplemental HASR for further details on the analysis of these properties.

The February 9, 2001 letter from SHPO to FHWA concurred that the Reduced Build Alternative, if selected as the Preferred Alternative, would have no effect on historic properties. This letter is in Appendix E in Volume II of the August 2001 DEIR/EIS.

The (Enhanced) Reduced Build Alternative would not result in impacts to known cultural resources. The SHPO concurred with this determination (see letter of 8/7/02 in Volume IV of the FEIS/EIR, Appendix B).

B. OTHER ALTERNATIVES

1. NO BUILD ALTERNATIVE

Because there would be no construction associated with the No Build Alternative other than that addressed in other environmental documents, this alternative would not result in impacts to cultural resources.

2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

Since there would be only minor construction associated with the TSM/Expanded Bus Service Alternative, it would not result in impacts to known cultural resources.

3. FULL BUILD ALTERNATIVE

None of the properties that would be affected by the Full Build Alternative are eligible for listing on the NHRP. See Section 4.5.1(A) for information on the consultation with SHPO for these properties.

Construction of the Full Build Alternative would require the removal of the Pacific Electric Santa Ana River Bridge, which has been determined to be eligible for the NRHP. This would be an adverse effect under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. See discussion of NHPA below.

The SHPO concurred on February 9, 2001 that the Full Build Alternative would have adverse effects on the Pacific Electric/Santa Ana Bridge.

During construction, there is a potential for unknown buried cultural materials to be unearthed.

Thresholds of Significance for CEQA:

- Removal of the Pacific Electric Santa Ana River Bridge, which is eligible for the National Register of Historic Places and the California Register of Historic Resources
- Potential for unearthing of unknown buried cultural materials and the potential disturbance of human remains and associated artifacts

Unavoidable Adverse Effects/Impacts (NHPA and NEPA)

The National Historic Preservation Act of 1966 (NHPA) established a federal policy to ensure that projects with federal involvement were not built at the expense of irreplaceable historic properties and landmarks. Section 106 of the NHPA requires that any undertaking with federal involvement

(funding or permitting) shall take into account the effect of the undertaking on “any district, site, building, structure or object that is included in or eligible for inclusion in the National Register.” The federal agency with responsibility for approval shall also afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

Eligibility for the National Register (NRHP) may be based on any of four criteria:

1. Association with events that have contributed to history (national or local);
2. Association with the lives of persons significant in the past;
3. Embodiment of distinctive characteristics of a type, period or method of construction, or that represents the work of a master or possesses artistic values; or
4. Potential to yield information important in prehistory or history.

The NHPA further requires that the federal agency involved consult with the SHPO and that the SHPO concur in findings. A project may not affect any historic properties (“No Effect”), it may involve properties with no impact on them (“No Adverse Effect”), or there may be an Adverse Effect. “Effect” is determined by the potential the project has to alter the characteristics of the property that have made it eligible for the NRHP.

For the SR-22/WOCC project, only the Pacific Electric Santa Ana River Bridge is eligible for the NRHP. The Full Build Alternative is the only one that would affect the Bridge, and it would constitute an adverse effect.

- During construction of the SR-22/WOCC, there is a potential for unearthing unknown buried cultural materials and for disturbing human remains and associated artifacts (all alternatives).
- Removal of the Pacific Electric Santa Ana River Bridge, which is eligible for the National Register of Historic Places, constitutes an adverse effect under NHPA and a significant impact under NEPA (Full Build Alternative only).

CEQA Findings:

A. PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE

The only cultural resource identified during the archaeological, historical and historic architecture evaluations is located in the former Pacific Electric right-of-way, which is not part of the (Enhanced) Reduced Build Alternative. The (Enhanced) Reduced Build Alternative would not result in impacts to known cultural resources.

During construction, there is a potential for unknown buried cultural materials or human remains to be unearthed. The impacts to buried cultural materials and the potential disturbance of human remains and associated artifacts are unknown at this time. However, based on the analysis, there is little evidence to anticipate cultural materials or human remains unearthed during construction. Sensitive locations will have a qualified Native America representative and a qualified archaeologist to monitor earthmoving activities during construction; provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code would be followed. (See CUL-(E)RB-1 & CUL-(E)RB-2 for further details.)

The February 9, 2001 letter from SHPO to FHWA concurred that the Reduced Build Alternative, if selected as the Preferred Alternative, would have no effect on historic properties. This letter is in Appendix E in Volume II of the August 2001 DEIR/EIS. In August 2002, the SHPO concurred that the (Enhanced) Reduced Build Alternative would have no effect on historic properties; this letter is in Volume IV, Appendix B of this document.

B. OTHER ALTERNATIVES

1. NO BUILD ALTERNATIVE

The No Build Alternative would result in no impacts to buried cultural materials and disturbance of human remains and associated artifacts.

2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

The TSM/Expanded Bus Service Alternative would not result in impacts to cultural resources. Minor construction would occur within existing roadways, completely in areas previously disturbed.

3. FULL BUILD ALTERNATIVE

The construction for the Full Build Alternative would require the removal of the Pacific Electric Santa Ana River Bridge, which has been determined to be eligible for the NRHP. This would be an adverse effect under Section 106 of the National Historic Preservation Act of 1966, as amended. The removal of the Pacific Electric Santa Ana River Bridge is a significant impact under this alternative. The SHPO concurred on February 9, 2001 that the Full Build Alternative would have adverse effects on the Pacific Electric/Santa Ana Bridge.

See "A: PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE," above, for discussion of actions should cultural materials be unearthed during construction.

4.5.2 MITIGATION

A. PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE

CUL-(E)RB-1. Qualified Native American personnel and a qualified archaeologist will be appointed and authorized to monitor earthmoving activities associated with project construction in the vicinity of previously recorded archaeological resources. Work will be halted in the vicinity of any previously unknown buried cultural materials unearthed during construction until a qualified archaeologist can assess the significance of the materials. Any further mitigation required would be developed in accordance with the requirements of 36 CFR 800.13, the post review discovery provision of the regulations implementing Section 106 of the National Historic Preservation Act. Any mitigation required by the archaeologist will be implemented, including, if necessary, supplemental environmental documentation.

CUL-(E)RB-2. If human remains and associated artifacts are encountered during ground-disturbing activities, the provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code will be followed. Any further mitigation required shall be developed in accordance with the requirements of 36 CFR 800.13, the post review discovery provision of the regulations implementing Section 106 of the National Historic Preservation Act.

CUL-(E)RB-3. If any structures in the project area are determined to be eligible for listing on the National Register of Historic Places subsequent to finalizing of this FEIS/EIR, such structures shall not be destroyed or significantly altered as part of construction of the SR-22/WOCC. Proper coordination shall be undertaken with the entity responsible for such listing.

B. OTHER ALTERNATIVES

1. NO BUILD ALTERNATIVE

None proposed.

2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

None proposed.

3. FULL BUILD ALTERNATIVE

See CUL-(E)RB-1 through CUL-(E)RB-3, above.

CUL-FB-4: If the Full Build Alternative is selected as the Preferred Alternative, a Memorandum of Agreement (MOA) shall be prepared that stipulates how the project will be carried out to avoid, minimize, or mitigate adverse effects, or to accept such effects. The MOA will clearly and completely present specific mitigation measures to address the project's specific adverse impacts. Caltrans, FHWA, and the SHPO will concur on the MOA. The Advisory Council on Historic Preservation (ACHP) may be asked to participate either by FHWA or SHPO. If the ACHP is a consulting party, its execution of the MOA concludes the Section 106 process. If the ACHP is not a consulting party, FHWA will submit a signed MOA for ACHP review. Once the ACHP is satisfied with the MOA, the Section 106 process is complete. The signed MOA will be included in the Final EIS/EIR. Any mitigation required as part of the MOA will be included in the Final EIS/EIR.

4.5.3 RESIDUAL IMPACTS AFTER MITIGATION

A. PREFERRED ALTERNATIVE/(ENHANCED) REDUCED BUILD ALTERNATIVE

Unknown due to the potential for the discovery of cultural resources.

B. OTHER ALTERNATIVES

1. NO BUILD ALTERNATIVE

None.

2. TSM/EXPANDED BUS SERVICE ALTERNATIVE

None.

3. FULL BUILD ALTERNATIVE

Since the Full Build Alternative would require the removal of the Pacific Electric Santa Ana River Bridge, and because there is no acceptable and economical avoidance alternative, the implementation of the Full Build Alternative would result in substantial residual impacts to cultural resources after mitigation.

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